REMARKS

Applicants hereby reply to the Office Action dated March 23, 2005 within the shortened two month period for reply, so Applicants request an Advisory Action, if necessary. Claims 1-41 were pending in the application and the Examiner rejects claims 1-41. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Rejection under 35 U.S.C. § 103(a)

The Examiner rejects claims 1-41 under 35 U.S.C. § 103(a) as being unpatentable over Block U.S. Patent no. 5,960,416 ("Block") in view of Geerlings U.S. Patent no. 5,956,693 ("Geerlings"). Applicants respectfully traverse this rejection.

Specifically, the Examiner states that Block discloses all of the limitations of claim 1 with the exception of "a first database of information having a plurality of merchant customer records and a remote merchant customer database having a first plurality of customer account as a first and second database as recited in the instant claim" (page 3, paragraph 4). The Examiner next states that "Geerlings discloses the aforementioned claimed features by providing a computer system for merchant communication to customers including a first database that stores identification and demographics of customers and a second database that stores communication information and indications of contents of communications" (page 4, paragraph 1).

Block discloses a system for real time subscriber billing, wherein charges for services can be calculated at a subscriber location in an unstructured communications network. Block discloses storing customer account information at the service supplier location. As services are used by a subscriber, a code or signal indicative of the service type and/or duration are captured and stored at the subscriber's location. Data from the subscriber's location may then be compared with data stored at the service supplier location in order to determine what services to provide to subscriber. For example, a subscriber may be the holder of a pre-paid long distance plan. As the subscriber is speaking, a monitor at the subscriber's location may receive and compile inaudible cost signals. The number of cost signals received may then be compared with the subscribers account data which is stored at the service supplier location. Account information may comprise the amount of money left in the subscriber's account along with any other details relating to the subscribers cost per minute. If the number of cost signals received at

the subscriber location corresponds to the account balance at the service supplier, then the subscriber's call may be terminated.

The step of "comparing" as disclosed in Block does not compare two sets of data to find inconsistencies, but instead, it determines transaction level detail regarding a subscribers account and available services. The two data sets disclosed in Block serve very different purposes from each other and each contain very different types of information. The updating step disclosed in Block does not result in synchronization in order to ensure both data sets contain the same data. As such, Block does not disclose or suggest a "process server configured to compare data consistency between said first database of information and said merchant processing request data file to produce a first comparison data file" or a process server configured to "synchronize said first database with said merchant processing request data file," as recited by independent claim 1. Similarly, Block does not disclose or suggest a "comparing data consistency between said at least one of said third plurality of customer transaction account records in said registry file to at least one of said first plurality of customer transaction account records," or "said merchant database processor at least one of synchronizing and updating at least one of said third plurality of customer transaction account records on said first remote merchant customer database," as recited by independent claim 23.

The Examiner also states that Block did not specifically detail the aspect of "a merchant process server for appending a merchant processing request to at least one of said first plurality of customer transaction accounts to produce a merchant processing request data file". The Examiner further states that "Geerlings discloses the aforementioned claimed features by providing a computer system for merchant communication to customers including processors for appending data as well as producing data file" (page 4, paragraph 1).

Geerlings discloses a system for classifying customers according to behavioral patterns and dynamically re-classifying customers based on changing shopping patterns in order to target communications tailored to customers based on their classification. Geerlings further discloses a means for attaching word processing files for insertion into a communication which will be directed to a group of similarly classified customers.

The "appending" or attaching step as disclosed in Geerlings is intended to add a word processing document attachment to a communication in a manner which is very similar to attaching a file to an email. As is known in the art, a word processing document does not
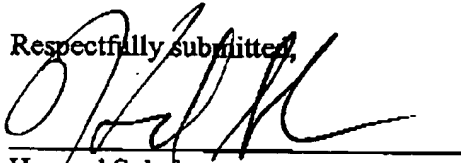
AXP No. IP200002678
1659473.1

11

inherently include instructions regarding how the file which it is appended is to be processed, and Geerlings does not disclose that which is not inherent to a word processing document. As such, Geerlings does not disclose or suggest a process server configured to "update said first database of information in accordance with said provider processing instruction, wherein said provider processing instruction is appended to said merchant processing request data file," as recited by independent claim 1. Similarly, Geerlings does not disclose or suggest "wherein said comparison is completed according to a predetermined order of steps corresponding to said provider processing instruction appended to said registry file," as recited by independent claim 23.

Claims 2-22 and 24-41 variously depend from independent claims 1 and 23, respectively, therefore Applicants assert that dependent claims 2-22 and 24-41 are differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814, including any required extension fees.

Respectfully submitted,

Dated: ___April 19, 2005___

Howard Sobelman
Reg. No. 39,038

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6228
Fax: 602-382-6070
Email: hsobelman@swlaw.com